

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

KELVIN LANEIL JAMES,

Petitioner,  
v.

UNITED STATES OF AMERICA, et al.,

## Respondents.

Case No. 2:25-cv-00082-ART-NJK

## ORDER DISMISSING PETITION

11 Petitioner Kelvin James has filed a petition under 28 U.S.C. § 2255 to  
12 vacate, set aside, or correct a sentence by a person in federal custody. (ECF No.  
13 1-1.)

14 It appears that Plaintiff is challenging his state court judgment of  
15 conviction for voluntary manslaughter in the Eighth Judicial District Court of  
16 Clark County, Nevada, and has used the incorrect form. A challenge to a state  
17 court conviction should be filed on a 28 U.S.C. § 2254 form.

18        Additionally, Plaintiff already has a counseled petition for a writ of habeas  
19 corpus under 28 U.S.C. § 2254 pending before this court (Case No. 3:24-cv-286-  
20 ART-CSD), challenging what appears to be the same judgment of conviction. (See  
21 3:24-cv-286 at ECF No. 1-1.) Whether the Court construes this document as a  
22 motion to amend the earlier § 2254 petition, or as a new petition, it is fugitive  
23 document because James is represented by counsel in his earlier petition. Local  
24 Rule IA 11-6(a) (once an attorney has made an appearance on behalf of a party,  
25 that party may not personally file a document with the court). The Court will  
26 therefore dismiss this petition as a fugitive document.

27 || It is therefore ordered that this petition is DISMISSED.

It is further ordered that a certificate of appealability will not issue.

1 It is further ordered that the Clerk of Court ENTER JUDGMENT dismissing  
2 this petition and CLOSE this case.  
3  
4

Dated this 21<sup>st</sup> day of January, 2025



---

7 ANNE R. TRAUM  
8 UNITED STATES DISTRICT JUDGE  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28